

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VERONICA ROBLEDO, individually and on
behalf of all others similarly situated,

Plaintiffs,

- against -

NO. 9 PARFUME LEASEHOLD and
LAURICE RAHME, individually,

Defendants.

**DECLARATION OF
CHARLENE WALSH**

No. 12 Civ. 3579 (RLC)(DF)

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

CHARLENE WALSH hereby declares under penalty of perjury as follows:

1. I am employed by Laurice & Co. Uptown Inc. (herein the "Bond No. 9") as the Manager of a retail store on Madison Avenue in New York City (the "Mad 1" store) that sells fragrances under the brand name Bond No. 9. I make this Declaration in opposition to plaintiffs' motion for conditional certification of a collective action on my own personal knowledge, except as to matters stated to be on information and belief and as to such matters I believe it to be true.

2. I was promoted to the position of Manager of the Mad 1 store in or about December 2011. Before that, I was a Sales Associate, having been hired by Bond No. 9 in August or September 2010. During the time I was a Sales Associate, I worked principally at the Mad 1 store, although from time to time I was assigned temporarily to each of the stores in New York City that are affiliated with Bond No. 9, and in early 2011

I worked at the Bleecker Street store for about six weeks while the Mad 1 store was under renovation. I have not worked at any of the other stores since I became a Manager.

3. Generally, there are only two or three employees in the Mad 1 store at any given time – a manager and one or two Sales Associates. Occasionally there may be a third Sales Associate, and for much of 2011, only one person worked in the store on Sundays.

Lunch Breaks

4. Sales Associates at the Mad 1 store, as well as the Manager, are entitled and required to take a lunch break of a full hour each day.

5. I have never been required to work through a lunch break, neither when I was a Sales Associate nor since I have been the Manager of the Mad 1 store.

6. All of us Managers and Sales Associates are aware that we are not paid for our lunch break time. So we are sure always to take our full lunch break.

7. I do not recall seeing any other Sales Associate work through a lunch break. Nor I do not recall seeing Veronica Robledo, who was my manager at the Mad 1 store during most of 2010, work through her lunch break. As Manager I have instructed the Sales Associates who work in my store that they are required to take their full lunch break on a daily basis, and I do not permit them to work through their lunch break.

8. I have never sought or been given authority to work through my lunch break. I do not know of any time when a Sale Associate at the Mad 1 store sought or was given

authority to work through her lunch break. And as Manager I have never approved and never been asked to approve a Sales Associate's working through a lunch break.

9. When there is only one person in the store, we are required to close the store for an hour when it is time for our lunch break, although I believe that it is all right to keep the store open through the scheduled lunch period and then to close the store an hour early at the end of the day.

Off-the-Clock Work Before or After the Store Opens and Closes

10. Generally the Mad 1 store is open 9 hours per day and everyone who works there is scheduled for an 8-hour shift. We are expected to start work when the store opens and stop work when it closes. We are required to call in by telephone to report the time we start working in the morning, as well as the time when we stop working at the end of the day. I am aware that prior to May 2012, an hour was deducted from the total amount of time between our call-in and call-out times for our lunch break. Since May 2012, we have been required to call in at the beginning and end of our lunch breaks, and we are not paid for that time.

11. Sometimes a Sales Associate or the Manager arrives early in the morning before the store is scheduled to open, and generally the person who opens the store (usually the Manager) arrives a few minutes before the scheduled store opening time, rarely more than 5 or 10 minutes early. However, no one is required to do, or does, any work in the store until it opens because there is nothing that has to be done. Everything that needs to be done to get the store ready at the beginning of the day is done the day before, prior to closing. When people arrive early, they engage in personal activities,

such as putting coats and bags away, fixing hair or make-up, drinking coffee, or socializing until the store opening time.

12. There are a number of store maintenance chores that have to be done on a daily basis, such as restocking inventory, taking care of inventory, clienteling duties, and making sure the store is clean. These chores are scheduled to be done, and are done, during regular store hours when customer traffic is slow. They are not done before the store opens, and they cannot be done after the store closes.

13. At the end of the day, when the store closes and the doors are about to be locked, the person closing the store turns the store's alarm system on. The system becomes active 60 seconds later, and the doors cannot be opened again without triggering the alarm unless the system is turned off.

14. For this reason, I believe it is fair to say that generally, no one works after the store is scheduled to close, and certainly not after the doors are locked.

15. Sometimes, on the rare occasion when a customer transaction is not done before closing time, we will keep the store open until the transaction is done. However, this does not result in a delay of more than 5 minutes except on the rarest of occasions.

16. When there is work to be done in the store after the store closes, such as maintenance work by outsiders, and if the Manager or a Sales Associate stays in the store to oversee the work, it is always with advance approval, and he or she is paid for

the extra time, which is recorded when she calls out at the end of the night when the work is finished.

Dated: October 16, 2013


Charlene Walsh